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**From:** bounce-1029378-8098898@lists.aphl.org on behalf of SKEELS Michael R  
<michael.r.skeels@state.or.us>  
**Sent:** Friday, March 23, 2012 1:30 PM  
**To:** State Laboratory Directors' List  
**Subject:** RE: [aphl-sld] Vendor Contract Question

Robyn - Like other states, all our contracts must be approved by the Attorney General's office and they are reluctant to waive liability or the State's right to sue. It's highly unlikely that this language would be allowed in a contract between the State of Oregon and a vendor. Our contracts with vendors are on our own State forms, rather than something provided by the vendor.

I hope that's helpful.  
Mike Skeels

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From: [bounce-1029355-84255@lists.aphl.org](mailto:bounce-1029355-84255@lists.aphl.org) [bounce-1029355-84255@lists.aphl.org] on behalf of Robyn Atkinson [rmatkinson@utah.gov]  
Sent: Friday, March 23, 2012 9:22 AM  
To: State Laboratory Directors' List  
Subject: [aphl-sld] Vendor Contract Question

Hi all-

We are in contract negotiations with a vendor for kits and service agreements. They are asking us to accept their terms and conditions for this contract. Embedded in the terms and conditions are two statements that have raised some eyebrows. I'm curious if you have been asked to accept similar terms and if so, do you accept them and are your lawyers comfortable with it?

- 1) A statement says that we cannot hold the company liable if the kit does not perform as they have stated it should.
- 2) A statement says that we cannot sue the company if the kit does not perform as stated and leads to an adverse outcome for a patient.

Your thoughts would be appreciated!

Happy Friday!

Robyn

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